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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,397	04/17/2001	Hark C. Chan	LOCREM-01	7258

23437 7590 07/29/2005

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EXAMINER
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NANO, SARGON N

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/836,397

Applicant(s)

CHAN, HARK C.

Examiner

Sargon N. Nano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/24/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **Response to Amendment**

1. This action is responsive to amendment filed on Sep. 24, 2004. Claims 2 - 11 are pending examination.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 2 – 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Flanagan et al., U.S. No. 6,272,545.

Flanagan teaches the invention as claimed including a system for communication through a wide area network (see abstract).

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As to claim 2, Flanagan teaches a system for communication through a wide area network, said system comprising:

an apparatus comprising:

a wide area interface adapted to communication with at least one portable unit via said wide area network; and (see col.6, lines 24- 45 and fig. 3).

a wireless local interface adapted to communicate with said at least one portable unit when said at least one portable unit is located within a domain: (see col.12, lines 33 - 47).

said at least one portable unit comprising:

a wide area interface for communication with said apparatus via said wide area network; and (see col.5, lines 51 - 67).

a wireless local interface adapted to communicate with said apparatus when said at least one portable unit is located, within said domain; and (see col.3, lines 1-24).

wherein at least one member of said apparatus and said at least one portable unit comprises a clock and generates non-deterministic digital contents at times determined by said clock said one member uses its wireless local interface to deliver at least one of said digital contents to another member of said apparatus and said at least one portable unit, said digital content being used by said apparatus and said at least one portable unit as identification in communication via said wide area network. (See col.8, lines 10 - 45).

As to claim 3, Flanagan teaches the system wherein said one member comprises a random number generator used for generating said digital contents. . (See col.8, lines 10 - 45).

As to claim 4, Flanagan teaches the wherein said apparatus and said at least one portable unit each comprises a memory for storing said at least one non-deterministic digital content. (see col.11, lines 57- 67 and col.12, lines 1-6).

As to claim 5, Flanagan teaches the system wherein each of said wireless local interfaces comprises a radio frequency interface. (see col.6, lines 25 - 45).

As to claim 6, Flanagan teaches the system wherein said at least one portable unit is a cellular phone. (see col.6, lines 25 - 45).

As to claim 7, Flanagan teaches the system wherein said at least one portable unit is a personal digital assist device. (see col.6, lines 25 - 45).

As to claim 8, Flanagan teaches the system wherein said at least one digital content comprises an algorithm. (see col.6, lines 62 – 67 and col.7, lines 1- 9).

As to claim 9, Flanagan teaches the system wherein said at least one digital content comprises a digital code. (see col.2, lines 18 – 33).

As to claim 10, Flanagan teaches the system wherein said wireless local interface of said apparatus and said at least one portable unit performs authentication in delivering said at least one digital content. (see col.7, lines 36 – 67 and col.8, lines 1 – 2).

As to claim 11, Flanagan teaches the system wherein said one member can detect a presence of said another member and delivers said at least one digital content to said another member automatically without user intervention. (see col.12, lines 64 – 67 and col. 1) lines 1 - 12).

### ***Response to Amendment***

3. Applicant arguments have been fully considered but they are not persuasive.

Applicant argues in substance that A) Flanagan does not disclose “a unit comprises a clock and generates non-deterministic digital contents at times determined by a clock”. In response to A) Flanagan discloses the limitation argued by the applicant since it is well known in the art that time creation is determined by reading a system clock. This time although previously saved, is not created by the user per se. (see col. 8 line 10 – 45).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N. Nano whose telephone number is (571) 272-4007. The examiner can normally be reached on 8 hour.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sargon Nano  
July 14, 2005

*Signature*  
ABDULLAH SALAH  
Primary Examiner  
7/25/05